

March 2, 2004

Assistant Commissioner of Patents

Washington, DC 20231

**PROTEST UNDER 37 CFR 1.291(a)**

Re: Software, apparatus, and method for hand-held electronic devices and advertising thereon

US File # **20010032124**

Filed: 12/13/2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20010032124**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (updating) via the modem (0017) or otherwise to a remote terminal (handheld) (0026) that delivers advertising based keywords (prescriptions) (0025) upon location as well as an executable program selection while mobile. Uploads and downloads are performed through broadband wireless internet communications or through a wired electronic connection.

Relevant Claims are: 1, 2, 3 and others. The abstract reads, "A new and improved method and apparatus for writing electronic prescriptions is described herein. The system includes placing advertising on the electronic device, such that the advertising is viewable on the hand-held electronic device's viewing screen, the advertising being selectively updatable.

Consistently, the inventor describes the invention in internet terms ... because it is simply an extension of the internet (an electronic communication system) relating to advertising delivery. Writing prescriptions and using the comparing those keywords to the advertising database and using that match to display relevant advertising is nothing new. Descriptions of these actions and functions are described in (0008), (0025) (0026) (0027) and others.

This is referred to as "pull" advertising as a voluntary action (writing a prescription) on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/13/2000 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows a Netscape browser window displaying the Esp@cienet website. The address bar shows the URL: <http://v3.espacenet.com/textdoc?A=Z&class=6&FIRST=1&CY=sp&L6=en&D8-EP&DOCCL=1&A&w-Z&mark&Subm=2>. The page title is "TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD". The left sidebar contains navigation links such as "Quick Search", "Advanced Search", "Number Search", "Last Results", "My patents list", "Classification Search", and "Help". The main content area displays the following information:

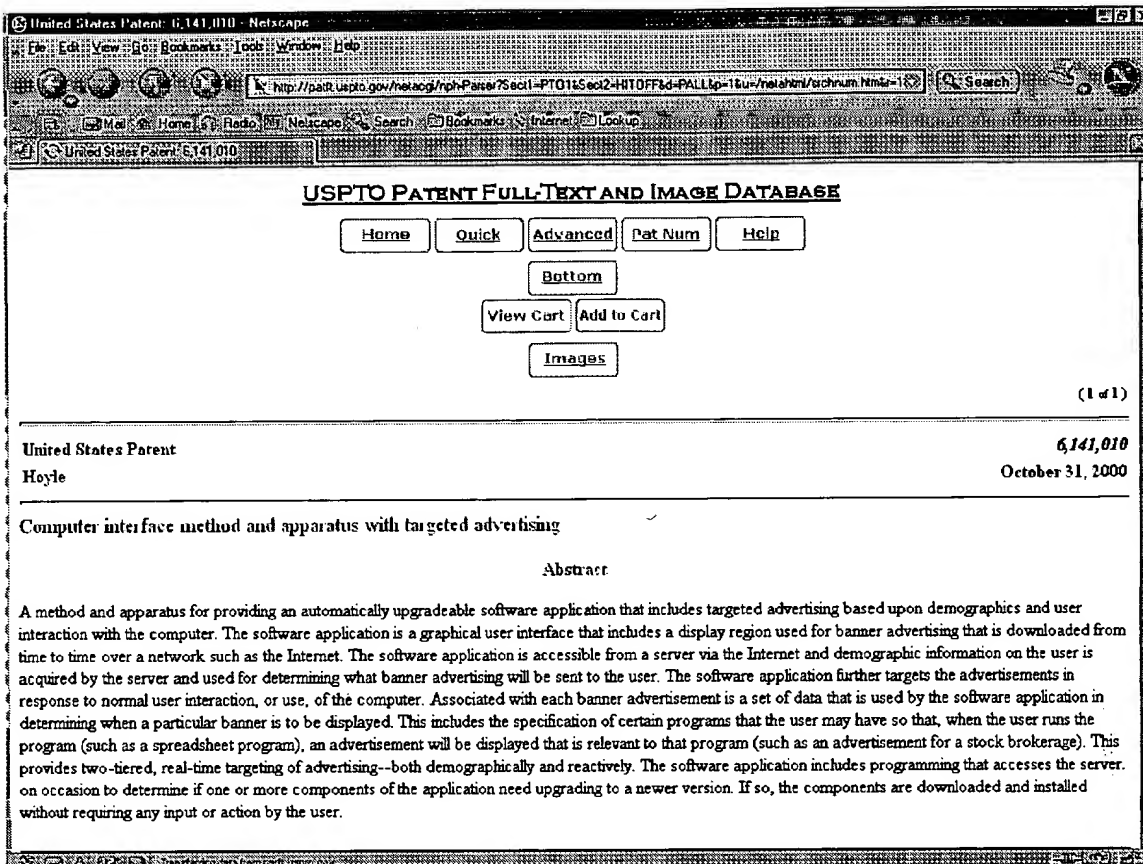
Bibliographic data	Description	Claims	INPADOC LEGAL status
<b>Potential number:</b> CA2328913			
<b>Publication date:</b> 1999-10-28			
<b>Inventor:</b> ZETMEIR KARLO (US)			
<b>Applicant:</b> ZETMEIR KARLO (US)			
<b>Classification:</b>			
<b>International:</b> H04M000			
<b>European:</b>			
<b>Application number:</b> CA 1992/2328913 (19920414)			
<b>Priority number(s):</b> US 1990062041 19900417 WO 1989/0500 102 19900414			

Also published as:

- WO9955066 (A1)
- EP 1076983 (A1)

**Abstract of CA2328913**

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.claria.com/companyinfo/

Claria Corporate Overview - Overview

# CLARIA

CORPORATE OVERVIEW

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  - Employment
- ADVERTISE
- PRODUCTS & SERVICES
- CONTACT US

## Overview

### ■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 60 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

### ■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Crosslink Capital.